

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Paolo Pronesti,
Plaintiff

v.

Golden Entertainment,
Defendant

Case No.: 2:19-cv-01172-JAD-NJK

Ninth Circuit Case No.: 21-15455

Order Revoking In Forma Pauperis Status

[ECF No. 36]

The United States Court of Appeals for the Ninth Circuit referred this matter back to this court for the limited purpose of determining whether in forma pauperis status should continue for this appeal.¹ The decision to continue such status turns on whether any claim is frivolous, for “[i]f at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted for the case as a whole.”²

In this employment-discrimination case, plaintiff Paolo Pronesti sued his former employer, Golden Entertainment, claiming that it discriminated against him and subjected him to harassment and retaliation based on his national origin. I dismissed Pronesti’s claim as insufficiently pled under Federal Rule of Civil Procedure 12(b)(6),³ but I gave him leave to amend his complaint if he could plead facts that plausibly allege a Title VII claim.⁴ Pronesti did not amend his complaint and instead filed a motion to amend his opposition to the defendant’s motion to dismiss.⁵ I explained to Pronesti that the time to amend his opposition was before I

¹ ECF No. 36.

² *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

³ ECF No. 24.

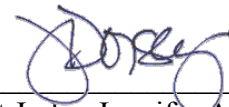
⁴ *Id.*

⁵ ECF No. 25.

1 resolved the motion and I advised him that he could either move for reconsideration of my
2 dismissal ruling or file an amended complaint curing the pleading deficiencies I outlined.⁶

3 After nearly a year, Pronesti still had not filed an amended complaint. So I ordered him
4 to show cause why his claim should not be dismissed for failing to obey a court order.⁷ When he
5 did not do so, I dismissed the case without prejudice for failure to follow my previous order and
6 for want of prosecution.⁸ **Because the appeal from that decision is frivolous and not taken in**
7 **good faith, in forma pauperis status should not continue on appeal.**

8 The Clerk of Court is directed to **SEND a copy of this order to the Clerk of the United**
9 **States Court of Appeals for Case No. 21-15455.**

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12 U.S. District Judge Jennifer A. Dorsey
13 March 22, 2021
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22 ⁶ ECF No. 28.

23 ⁷ ECF No. 31.

⁸ ECF No. 32.